

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FREDRICK CONNORS,

Plaintiff,

v.

CHARTER BUSINESS, et al.,

Defendants.

Case No. 3:13-cv-00105-MMD-VPC

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is Magistrate Judge Valerie Cooke's Report and Recommendation ("R&R") (dkt. no. 7), regarding Plaintiff Fredrick Connor's Complaint and application to proceed *in forma pauperis*. (Dkt. no. 1.) Mr. Connors did not file an objection.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
3 district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
9 order to determine whether to adopt the R&R. The R&R finds that Mr. Connor's
10 Complaint is frivolous and should be dismissed. Upon review of the record in this case,
11 the Court agrees and finds good cause to adopt the R&R in full.

12 It is hereby ordered that the R&R (dkt. no. 7), is accepted and adopted in full. Mr.
13 Connor's application to proceed *in forma pauperis* (dkt. no. 1) is denied and this action is
14 dismissed without prejudice.

15 DATED THIS 24th day of October 2013.

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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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